

ASSEMBLY BILL

No. 1799

Introduced by Assembly Member Migden

February 10, 1998

An act to amend Section 374.3 of the Penal Code, relating to unlawful dumping.

LEGISLATIVE COUNSEL'S DIGEST

AB 1799, as introduced, Migden. Unlawful dumping: increased fines.

Existing law proscribes unlawful dumping and imposes specified mandatory fines for first and subsequent convictions of the offense.

This bill would increase those fines, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 374.3 of the Penal Code is
2 amended to read:
3 374.3. (a) It is unlawful to dump or cause to be
4 dumped any waste matter in or upon any public or
5 private highway or road, including any portion of the
6 right-of-way thereof, or in or upon any private property
7 into or upon which the public is admitted by easement or
8 license, or upon any private property without the consent
9 of the owner, or in or upon any public park or other public
10 property other than property designated or set aside for

1 that purpose by the governing board or body having
2 charge of that property.

3 (b) It is unlawful to place, deposit, or dump, or cause
4 to be placed, deposited, or dumped, any rocks or dirt in
5 or upon any private highway or road, including any
6 portion of the right-of-way thereof, or any private
7 property, without the consent of the owner, or in or upon
8 any public park or other public property, without the
9 consent of the state or local agency having jurisdiction
10 over the highway, road, or property.

11 (c) Any person violating this section is guilty of an
12 infraction. Each day that waste placed, deposited, or
13 dumped in violation of this section remains is a separate
14 violation.

15 (d) This section does not restrict a private owner in the
16 use of his or her own private property, unless the placing,
17 depositing, or dumping of the waste matter on the
18 property creates a public health and safety hazard, a
19 public nuisance, or a fire hazard, as determined by a local
20 health department, local fire department or district
21 providing fire protection services, or the Department of
22 Forestry and Fire Protection, in which case this section
23 applies.

24 (e) A person convicted of a violation of this section
25 shall be punished by a mandatory fine of not less than ~~one~~
26 ~~hundred dollars (\$100)~~ *two hundred fifty dollars (\$250)*
27 nor more than one thousand dollars (\$1,000) upon a first
28 conviction, by a mandatory fine of not less than five
29 hundred dollars (\$500) nor more than one thousand
30 dollars (\$1,000) upon a second conviction, and by a
31 mandatory fine of not less than seven hundred fifty
32 dollars (\$750) nor more than ~~one thousand dollars~~
33 ~~(\$1,000)~~ *two thousand five hundred dollars (\$2,500)* upon
34 a third or subsequent conviction. If the court finds that
35 the waste matter placed, deposited, or dumped was used
36 tires, the fine prescribed in this subdivision shall be
37 doubled.

38 (f) The court may require, in addition to any fine
39 imposed upon a conviction, that, as a condition of
40 probation and in addition to any other condition of

1 probation, a person convicted under this section remove,
2 or pay the cost of removing, any waste matter which the
3 convicted person dumped or caused to be dumped upon
4 public or private property.

5 (g) Except when the court requires the convicted
6 person to remove waste matter which he or she is
7 responsible for dumping as a condition of probation, the
8 court may, in addition to the fine imposed upon a
9 conviction, require as a condition of probation, in
10 addition to any other condition of probation, that any
11 person convicted of a violation of this section pick up
12 waste matter at a time and place within the jurisdiction
13 of the court for not less than eight hours.

14 (h) (1) Any person who places, deposits, or dumps, or
15 causes to be placed, deposited, or dumped, waste matter
16 in violation of this section in commercial quantities shall
17 be guilty of a misdemeanor punishable by imprisonment
18 in a county jail for not more than six months and by a
19 trebled fine. The fine is mandatory and, when trebled,
20 shall amount to not less than three hundred dollars (\$300)
21 nor more than one thousand dollars (\$1,000) upon a first
22 conviction, not less than one thousand five hundred
23 dollars (\$1,500) nor more than three thousand dollars
24 (\$3,000) upon a second conviction, and not less than two
25 thousand two hundred fifty dollars (\$2,250) nor more
26 than three thousand dollars (\$3,000) upon a third or
27 subsequent conviction.

28 (2) “Commercial quantities” means an amount of
29 waste matter generated in the course of a trade, business,
30 profession, or occupation. This subdivision does not apply
31 to the dumping of household waste at a person’s
32 residence.

33 (i) For purposes of this section, “person” means an
34 individual, trust, firm, partnership, joint stock company,
35 joint venture, or corporation.